

## Henderson, Ginny

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**From:** Henderson, Ginny  
**Sent:** Wednesday, December 05, 2012 11:12 AM  
**To:** 'Dennis Worley'  
**Subject:** RE: NC Groundwater Standards

Dennis,

Please be advised that the Branch does not put any restrictions on the development of a property just because it has not received a NFA. If you are trying to sell the property and the contamination issues are holding up the sale, then the buyers can look into getting a Brownfield Agreement which would protect them from liability for the assessment and cleanup of any remaining contamination.

In general, land use restrictions (LURs) could be imposed on the property which would outline that water supply wells could not be used on the property (amongst other things) and the LUR document would be filed with the county. You may impose land use restriction on your own property without DENR involvement. However, to receive DENR approval of the LURs and ultimately resolve the contamination issues at this site, the site must be under a signed Administrative Agreement (AA). Under the AA, you would be required to prepare a Remedial Action Plan (RAP). The RAP must justify the selected remedial alternative(s) for the site. Depending on site conditions, LURs may be the only requirement or just one part of a larger remedial alternative for the site. The RAP must be approved prior to implementation and annual reporting certifying the LURs are still in place and the site is in compliance must be performed .

This annual reporting would not be required if the site is remediated to unrestricted use levels and an NFA is received.

If you have any additional questions or concerns, please let me know.

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**From:** Dennis Worley [<mailto:DennisWorley@wwpemplaw.com>]  
**Sent:** Tuesday, December 04, 2012 11:55 AM  
**To:** Henderson, Ginny  
**Subject:** RE: NC Groundwater Standards

Thanks for the information. I sure wish there was some way that we could obtain a no further action letter. The adjoining farm property is still under cultivation and it is our intent to develop the road frontage without ever involving the use of a well. Please let me know if you have any suggestions. Again, thanks for providing me the citations.

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**From:** Henderson, Ginny [<mailto:ginny.henderson@ncdenr.gov>]  
**Sent:** Tuesday, December 04, 2012 9:07 AM  
**To:** Dennis Worley  
**Subject:** NC Groundwater Standards